REMARKS

[0001] The following paragraphs are numbered for ease of future reference. Entry of this

Amendment is proper under 37 C.F.R. §1.116 since no issues are raised and the claim

amendments move subject matter of dependent claims, (25-26 and 55-56), into each of the

independent claims 1, 15, 22, 49 and 62. Claims 1-2, 4-5, 7,15-16, 18-19, 22-24, 27-31, 33-35,

49-54, 57, 59-62, 64, 66-67, 69-70 are all the claims presently pending in this application.

Claims 1, 15, 22, 49 and 62 have been amended to more particularly define the claimed

invention. Independent claims 1 and 22 have been amended to comply with the *In re Bilsky*

holding by adding, a "computer-implemented" method, with method steps that are implemented

by a computer.

[0002] Applicant further respectfully submits that no new matter is added to the currently

amended claims, nor has the scope of the pending claims changed. Applicant has amended

independent claims Applicant respectfully traverses the rejections based on the following

discussion.

I.   THE PRIOR ART REJECTION

A.   The 35 U.S.C. § 103(a) Rejection over Fajkowski

[0003] Claims 1-2,4-5,7,15-16,18-19,21-31,33,35,49-57,59,61,62 and 66 stand rejected under 35

U.S.C. §103(a) as being unpatentable over Fajkowski, U.S. Pat. No. 6,932,270, (hereinafter

"Fajkowski").

[0004] The Examiner alleges that one of ordinary skill in the art would have been motivated to

modify Fajkowski to form the invention of claims 1-2,4-5,7,15-16,18-19,21-31,33,35,49-

57,59,61,62 and 66. Applicant submits, that Fajkowski does not teach or suggest each element of the claimed invention.

[0005] Applicant traverses the Examiner's rejection since, among other reasons, Fajkowski is directed towards periphery devices receiving purchase data from a cash register memory and comparing the purchase data to coupon bar codes received from a coupon card in order to determine which coupons are redeemable, while Applicant's claimed invention is directed toward <u>saving a displayed most favorable combination of non-mutually exclusive e-coupons determined to comply with redeeming conditions and capable of being used in combination within the same purchase and choosing another subset of e-coupons, and choosing one of saved sets of e-coupons based on comparing two or more of the saved sets of e-coupons</u>.

[0006] More specifically, Applicant submits, that Fajkowski fails to teach or suggest, "*saving said displayed most favorable combination of non-mutually exclusive e-coupons determined to comply with said redeeming conditions and capable of being used in combination within the same purchase and choosing another subset of said e-coupons, and choosing one of saved sets of e-coupons based on comparing two or more of said saved sets of e-coupons,*" per Applicant's independent claim 1, and similarly independent claims 15, 22 and 49, and "*a storage device adapted to save said displayed most favorable combination of non-mutually exclusive e-coupons determined to comply with said redeeming conditions and capable of being used in combination within the same purchase and choosing another subset of said e-coupons, wherein one of saved sets of e-coupons is chosen based on comparing two or more of said saved sets of e-coupons,*" per Applicant's independent claim 62.

[0007] The Examiner alleges on page 7 of the Final Office Action that, "Regarding claims 28, 29, 55, 56, Fajkowski teaches that the user may save shopping lists with specified coupons for

the products on the list to be used on future shopping trips. Fajkowski also teaches the idea of

issuing a rain check for a coupon item the user wishes to purchase, but where the item is

currently unavailable. The system will save such a list of rain-checked product(s) for later use. In

either case, future use of the saved lists are taken to meet the broad "comparing" by a user."

[0008] However, nowhere does Fajkowski teach or suggest "saving" shopping lists. Examiner

allegation of "issuing a raincheck for a coupon item the user wishes to purchase," is not

equivalent to Applicant's "*saving said...combination of non-mutually exclusive e-coupons*."

Fajkowski discloses at column 17, lines 1-6, that a raincheck code is associated with a coupon

that could not be used prior to an expiration date.

> The routine will then identify and queue <u>all coupon records with redemption
> requirement data</u> which also have <u>a raincheck code</u> in anticipation of a customer
> having purchased an item covered by <u>a coupon that could not be used prior to the
> expiration date</u>. (<u>Emphasis</u> added.)

[0009] Applicant contends that a coupon having "a raincheck code" is not equivalent to

Applicant's claimed "*saving said...combination of non-mutually exclusive e-coupons*," since a

raincheck codes is only associated with a single coupon, and fails to be associated with "*a*

combination...of e-coupons" as claimed by Applicant's invention. Furthermore, nowhere does

Fajkowski teach or suggest a coupon having a raincheck code associated with Applicant's

claimed, "*choosing one of saved sets of e-coupons based on comparing two or more of said*

saved sets of e-coupons."

[0010] In summary, Fajkowski's raincheck code associated with a coupon record in anticipation

of a customer having purchased an item covered by a coupon that could not be used prior to the

expiration date fails to teach or suggest Applicant's claimed invention of <u>saving a displayed most</u>

<u>favorable combination of non-mutually exclusive e-coupons determined to comply with</u>

redeeming conditions and capable of being used in combination within the same purchase and

choosing another subset of e-coupons, and choosing one of saved sets of e-coupons based on

comparing two or more of the saved sets of e-coupons.

[0011] Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this

rejection since the alleged prior art reference to Fajkowski fails to teach or suggest each element

and feature of Applicant's claimed invention.

B.   The 35 U.S.C. § 103(a) Rejection over Fajkowski further in view of Beach

[0012] Claims 34, 60 and 64 stand rejected under 35 U.S.C. §103(a) as being unpatentable over

Fajkowski, U.S. Pat. No. 6,932,270, (hereinafter "Fajkowski"), further in view of Beach et al.,

U.S. Pat. App. Pub. No. US2002/10107738, (hereinafter "Beach").

[0013] The Examiner alleges that one of ordinary skill in the art would have been motivated to

modify Fajkowski with the teaching from Beach to form the invention of claims 34, 60 and 64.

Applicant submits, however that these references would not have been combined and even if

combined, the combination would not teach or suggest each element of the claimed invention.

[0014] The Examiner admits that Fajkowski fails to teach or suggest a "user collection of e-

coupons which are redeemable at the POS."

[0015] The Examiner alleges that Beach "teaches that coupons can be recommended to the user

based on his user profile," paragraph [0131].

[0016] However, Beach fails to teach or suggest Applicant's claimed saving a displayed most

favorable combination of non-mutually exclusive e-coupons determined to comply with

redeeming conditions and capable of being used in combination within the same purchase and

choosing another subset of e-coupons, and choosing one of saved sets of e-coupons based on comparing two or more of the saved sets of e-coupons. Therefore, Beach fails to overcome the deficiencies of Fajkowski.

[0017] Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art references to Fajkowski and Beach (either alone or in combination) fail to teach or suggest each element and feature of Applicant's claimed invention.

C.   The 35 U.S.C. § 103(a) Rejection over Fajkowski further in view of Marmon

[0018] Claims 1-2,4-5,7,15-16,18-19,21-31,33,35,49-57,59,61,62 and 66 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Fajkowski, U.S. Pat. No. 6,932,270, (hereinafter "Fajkowski"), further in view of Marmon, U.S. Pat. No. 4,446,528, (hereinafter "Marmon").

[0019] The Examiner alleges that one of ordinary skill in the art would have been motivated to modify Fajkowski with the teaching from Marmon to form the invention of claims 1-2,4-5,7,15-16,18-19,21-31,33,35,49-57,59,61,62 and 66. Applicant submits, however that these references would not have been combined and even if combined, the combination would not teach or suggest each element of the claimed invention.

[0020] Applicant traverses the Examiner's rejection since, among other reasons, Fajkowski is directed towards periphery devices receiving purchase data from a cash register memory and comparing the purchase data to coupon bar codes received from a coupon card in order to determine which coupons are redeemable, while Applicant's claimed invention is directed toward saving a displayed most favorable combination of non-mutually exclusive e-coupons determined to comply with redeeming conditions and capable of being used in combination

within the same purchase and choosing another subset of e-coupons, and choosing one of saved

sets of e-coupons based on comparing two or more of the saved sets of e-coupons.

[0021] More specifically, Applicant submits, that neither Fajkowski, nor Marmon, nor any

alleged combination thereof, teaches or suggests, "*saving said displayed most favorable*

combination of non-mutually exclusive e-coupons determined to comply with said redeeming

conditions and capable of being used in combination within the same purchase and choosing

another subset of said e-coupons, and choosing one of saved sets of e-coupons based on

comparing two or more of said saved sets of e-coupons," per Applicant's independent claim 1,

and similarly independent claims 15, 22 and 49, and "*a storage device adapted to save said*

displayed most favorable combination of non-mutually exclusive e-coupons determined to

comply with said redeeming conditions and capable of being used in combination within the

same purchase and choosing another subset of said e-coupons, wherein one of saved sets of e-

coupons is chosen based on comparing two or more of said saved sets of e-coupons," per

Applicant's independent claim 62.

[0022] The Examiner alleges on page 10 of the Final Office Action that, "Regarding claims 28,

29, 55, 56, Fajkowski teaches that the user may save shopping lists with specified coupons for

the products on the list to be used on future shopping trips. Fajkowski also teaches the idea of

issuing a rain check for a coupon item the user wishes to purchase, but where the item is

currently unavailable. The system will save such a list of rain-checked product(s) for later use. In

either case, future use of the saved lists are taken to meet the broad "comparing" by a user."

[0023] However, nowhere does Fajkowski teach or suggest "saving" shopping lists. Examiner

allegation of "issuing a raincheck for a coupon item the user wishes to purchase," is not

equivalent to Applicant's "*saving said...combination of non-mutually exclusive e-coupons*."

Fajkowski discloses at column 17, lines 1-6, that a raincheck code is associated with a coupon

that could not be used prior to an expiration date.

> The routine will then identify and queue <u>all coupon records with redemption
> requirement data</u> which also have <u>a raincheck code</u> in anticipation of a customer
> having purchased an item covered by <u>a coupon that could not be used prior to the
> expiration date</u>. (Emphasis added.)

[0024] Applicant contends that a coupon having "a raincheck code" is not equivalent to

Applicant's claimed "*saving said...combination of non-mutually exclusive e-coupons*," since a

raincheck codes is only associated with a single coupon, and fails to be associated with "*a*

combination...of e-coupons" as claimed by Applicant's invention. Furthermore, nowhere does

Fajkowski teach or suggest a coupon having a raincheck code associated with Applicant's

claimed, "*choosing one of saved sets of e-coupons based on comparing two or more of said*

saved sets of e-coupons."

[0025] The Examiner alleges that Marmon discloses "that shopping can get quite complicated

when pricing systems are combined with cents off coupons and retailers offer to double or triple

coupons [col 1 lines 38-42]," and that, "that the consumer is confronted with many price-

affecting choices related to coupons and that he usually is seeking low prices [col 2 lines 53-57]."

[0026] However, Marmon fails to teach or suggest Applicant's claimed, ""*saving said displayed*

most favorable combination of non-mutually exclusive e-coupons determined to comply with said

redeeming conditions and capable of being used in combination within the same purchase and

choosing another subset of said e-coupons, *and choosing one of saved sets of e-coupons based*

on comparing two or more of said saved sets of e-coupons," and therefore, Marmon fails to

overcome the deficiencies of Fajkowski.

[0027] In summary, Fajkowski's raincheck code associated with a coupon record in anticipation

of a customer having purchased an item covered by a coupon that could not be used prior to the

expiration date fails to teach or suggest Applicant's claimed invention of <u>saving a displayed most</u>

<u>favorable combination of non-mutually exclusive e-coupons determined to comply with</u>

<u>redeeming conditions and capable of being used in combination within the same purchase and</u>

<u>choosing another subset of e-coupons, and choosing one of saved sets of e-coupons based on</u>

<u>comparing two or more of the saved sets of e-coupons</u>.

[0028] Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this

rejection since the alleged prior art references to Fajkowski and Marmon (either alone or in

combination) fail to teach or suggest each element and feature of Applicant's claimed invention.

**D.   The 35 U.S.C. § 103(a) Rejection over Fajkowski further in view of Marmon
         and Beach**

[0029] Claims 34, 60 and 64 stand rejected under 35 U.S.C. §103(a) as being unpatentable over

Fajkowski, further in view of Marmon and Beach. (Applicant notes that the Examiner failed to

include the Marmon reference in this rejection on page 11 of the Final Office Action.)

[0030] The Examiner alleges that one of ordinary skill in the art would have been motivated to

modify Fajkowski with the teachings from Marmon and Beach to form the invention of claims

34, 60 and 64. Applicant submits, however that these references would not have been combined

and even if combined, the combination would not teach or suggest each element of the claimed

invention.

[0031] The Examiner admits that Fajkowski and Marmon fails to teach or suggest a "user

collection of e-coupons which are redeemable at the POS."

[0032] The Examiner alleges that Beach "teaches that coupons can be recommended to the user

based on his user profile," paragraph [0131].

[0033] However, Beach fails to teach or suggest Applicant's claimed <u>saving a displayed most</u>

<u>favorable combination of non-mutually exclusive e-coupons determined to comply with</u>

<u>redeeming conditions and capable of being used in combination within the same purchase and</u>

<u>choosing another subset of e-coupons, and choosing one of saved sets of e-coupons based on</u>

<u>comparing two or more of the saved sets of e-coupons</u>. Therefore, Beach fails to overcome the

deficiencies of Fajkowski and Marmon.

[0034] Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this

rejection since the alleged prior art references to Fajkowski, Marmon and Beach (either alone or

in combination) fail to teach or suggest each element and feature of Applicant's claimed

invention.

E.   The 35 U.S.C. § 103(a) Rejection over Fajkowski further in view of Wilkman

[0035] Claims 1-2,4-5,7,15-16,18-19,21-31,33,35,49-57,59,61,62 and 66 stand rejected under 35

U.S.C. §103(a) as being unpatentable over Fajkowski, further in view of Wilkman, U.S. Pat.

App. Pub. No. 20020013728, (hereinafter "Wilkman").

[0036] The Examiner alleges that one of ordinary skill in the art would have been motivated to

modify Fajkowski with the teaching from Wilkman to form the invention of claims 1-2,4-5,7,15-

16,18-19,21-31,33,35,49-57,59,61,62 and 66. Applicant submits, however that these references

would not have been combined and even if combined, the combination would not teach or

suggest each element of the claimed invention.

[0037] Applicant traverses the Examiner's rejection since, among other reasons, Fajkowski is

directed towards periphery devices receiving purchase data from a cash register memory and

comparing the purchase data to coupon bar codes received from a coupon card in order to

determine which coupons are redeemable, while Applicant's claimed invention is directed

toward <u>saving a displayed most favorable combination of non-mutually exclusive e-coupons</u>

<u>determined to comply with redeeming conditions and capable of being used in combination</u>

<u>within the same purchase and choosing another subset of e-coupons, and choosing one of saved</u>

<u>sets of e-coupons based on comparing two or more of the saved sets of e-coupons</u>.

[0038] More specifically, Applicant submits, that neither Fajkowski, nor Wilkman, nor any

alleged combination thereof, teaches or suggests, "*<u>saving said displayed most favorable</u>*

<u>combination of non-mutually exclusive e-coupons determined to comply with said redeeming</u>

<u>conditions and capable of being used in combination within the same purchase and choosing</u>

<u>another subset of said e-coupons, and choosing one of saved sets of e-coupons based on</u>

<u>comparing two or more of said saved sets of e-coupons</u>," per Applicant's independent claim 1,

and similarly independent claims 15, 22 and 49, and "*<u>a storage device adapted to save said</u>*

<u>displayed most favorable combination of non-mutually exclusive e-coupons determined to</u>

<u>comply with said redeeming conditions and capable of being used in combination within the</u>

<u>same purchase and choosing another subset of said e-coupons, wherein one of saved sets of e-</u>

<u>coupons is chosen based on comparing two or more of said saved sets of e-coupons</u>," per

Applicant's independent claim 62.

[0039] The Examiner alleges on page 15 of the Final Office Action that, "Regarding claims 28,

29, 55, 56, Fajkowski teaches that the user may save shopping lists with specified coupons for

the products on the list to be used on future shopping trips. Fajkowski also teaches the idea of

issuing a rain check for a coupon item the user wishes to purchase, but where the item is

currently unavailable. The system will save such a list of rain-checked product(s) for later use. In

either case, future use of the saved lists are taken to meet the broad "comparing" by a user."

[0040] However, nowhere does Fajkowski teach or suggest "saving" shopping lists. Examiner

allegation of "issuing a raincheck for a coupon item the user wishes to purchase," is not

equivalent to Applicant's "*saving said...combination of non-mutually exclusive e-coupons*."

Fajkowski discloses at column 17, lines 1-6, that a raincheck code is associated with a coupon

that could not be used prior to an expiration date.

> The routine will then identify and queue <u>all coupon records with redemption
> requirement data</u> which also have <u>a raincheck code</u> in anticipation of a customer
> having purchased an item covered by <u>a coupon that could not be used prior to the
> expiration date</u>. (<u>Emphasis added</u>.)

[0041] Applicant contends that a coupon having "a raincheck code" is not equivalent to

Applicant's claimed "*saving said...combination of non-mutually exclusive e-coupons*," since a

raincheck codes is only associated with a single coupon, and fails to be associated with "*a*

combination...of e-coupons" as claimed by Applicant's invention. Furthermore, nowhere does

Fajkowski teach or suggest a coupon having a raincheck code associated with Applicant's

claimed, "*choosing one of saved sets of e-coupons based on comparing two or more of said*

saved sets of e-coupons."

[0042] The Examiner alleges that "Wilkman also recognizes the variety of incentive offers

available to purchasing consumers and he teaches the use of a computer-based optimization

routine that takes the legwork out of manually analyzing the variety of eligible combinations and

benefits (price, coupons, promotions, loyalty, etc.) in order to provide the best benefit for the

consumer [abstract]."

[0043] However, Wilkman fails to teach or suggest Applicant's claimed, "*saving said displayed*

most favorable combination of non-mutually exclusive e-coupons determined to comply with said

redeeming conditions and capable of being used in combination within the same purchase and

choosing another subset of said e-coupons, and choosing one of saved sets of e-coupons based

on comparing two or more of said saved sets of e-coupons." Therefore, Wilkman fails to

overcome the deficiencies of Fajkowski.

[0044] In summary, Fajkowski's raincheck code associated with a coupon record in anticipation

of a customer having purchased an item covered by a coupon that could not be used prior to the

expiration date fails to teach or suggest Applicant's claimed invention of <u>saving a displayed most</u>

<u>favorable combination of non-mutually exclusive e-coupons determined to comply with</u>

<u>redeeming conditions and capable of being used in combination within the same purchase and</u>

<u>choosing another subset of e-coupons, and choosing one of saved sets of e-coupons based on</u>

<u>comparing two or more of the saved sets of e-coupons.</u>

[0045] Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this

rejection since the alleged prior art references to Fajkowski and Wilkman (either alone or in

combination) fail to teach or suggest each element and feature of Applicant's claimed invention.

     F.   **The 35 U.S.C. § 103(a) Rejection over Fajkowski further in view of Wilkman
and Beach**

[0046] Claims 34, 60 and 64 stand rejected under 35 U.S.C. §103(a) as being unpatentable over

Fajkowski, further in view of Wilkman and Beach.

[0047] The Examiner alleges that one of ordinary skill in the art would have been motivated to

modify Fajkowski with the teachings from Wilkman and Beach to form the invention of claims

34, 60 and 64. Applicant submits, however that these references would not have been combined

and even if combined, the combination would not teach or suggest each element of the claimed

invention.

[0048] The Examiner admits that Fajkowski and Wilkman fails to teach or suggest a "user

collection of e-coupons which are redeemable at the POS."

[0049] The Examiner alleges that Beach "teaches that coupons can be recommended to the user

based on his user profile," paragraph [0131].

[0050] However, Beach fails to teach or suggest Applicant's claimed <u>saving a displayed most</u>

<u>favorable combination of non-mutually exclusive e-coupons determined to comply with</u>

<u>redeeming conditions and capable of being used in combination within the same purchase and</u>

<u>choosing another subset of e-coupons, and choosing one of saved sets of e-coupons based on</u>

<u>comparing two or more of the saved sets of e-coupons</u>. Therefore, Beach fails to overcome the

deficiencies of Fajkowski and Wilkman.

[0051] Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this

rejection since the alleged prior art references to Fajkowski, Wilkman and Beach (either alone or

in combination) fail to teach or suggest each element and feature of Applicant's claimed

invention.

G.   **The 35 U.S.C. § 103(a) Rejection over Fajkowski further in view of Wilkman
        and Marmon**

[0052] Claims 1-2,4-5,7,15-16,18-19,21-31,33,35,49-57,59,61,62 and 66 stand rejected under 35

U.S.C. §103(a) as being unpatentable over Fajkowski, further in view of Wilkman and Marmon.

[0053] The Examiner alleges that one of ordinary skill in the art would have been motivated to

modify Fajkowski with the teachings from Wilkman and Marmon to form the invention of claims

1-2,4-5,7,15-16,18-19,21-31,33,35,49-57,59,61,62 and 66. Applicant submits, however that these references would not have been combined and even if combined, the combination would not teach or suggest each element of the claimed invention.

[0054] Applicant traverses the Examiner's rejection since, among other reasons, Fajkowski is directed towards periphery devices receiving purchase data from a cash register memory and comparing the purchase data to coupon bar codes received from a coupon card in order to determine which coupons are redeemable, while Applicant's claimed invention is directed toward <u>saving a displayed most favorable combination of non-mutually exclusive e-coupons determined to comply with redeeming conditions and capable of being used in combination within the same purchase and choosing another subset of e-coupons, and choosing one of saved sets of e-coupons based on comparing two or more of the saved sets of e-coupons.</u>

[0055] More specifically, Applicant submits, that neither Fajkowski, Wilkman and Marmon, nor any alleged combination thereof, teaches or suggests, "*<u>saving said displayed most favorable combination of non-mutually exclusive e-coupons determined to comply with said redeeming conditions and capable of being used in combination within the same purchase and choosing another subset of said e-coupons, and choosing one of saved sets of e-coupons based on comparing two or more of said saved sets of e-coupons</u>*," per Applicant's independent claim 1, and similarly independent claims 15, 22 and 49, and "*<u>a storage device adapted to save said displayed most favorable combination of non-mutually exclusive e-coupons determined to comply with said redeeming conditions and capable of being used in combination within the same purchase and choosing another subset of said e-coupons, wherein one of saved sets of e-coupons is chosen based on comparing two or more of said saved sets of e-coupons</u>*," per Applicant's independent claim 62.

[0056] The Examiner alleges on page 19 of the Final Office Action that, "Regarding claims 28, 29, 55, 56, Fajkowski teaches that the user may save shopping lists with specified coupons for the products on the list to be used on future shopping trips. Fajkowski also teaches the idea of issuing a rain check for a coupon item the user wishes to purchase, but where the item is currently unavailable. The system will save such a list of rain-checked product(s) for later use. In either case, future use of the saved lists are taken to meet the broad "comparing" by a user."

[0057] However, nowhere does Fajkowski teach or suggest "saving" shopping lists. Examiner allegation of "issuing a raincheck for a coupon item the user wishes to purchase," is not equivalent to Applicant's "*saving said...combination of non-mutually exclusive e-coupons*." Fajkowski discloses at column 17, lines 1-6, that a raincheck code is associated with a coupon that could not be used prior to an expiration date.

> The routine will then identify and queue <u>all coupon records with redemption requirement data</u> which also have <u>a raincheck code</u> in anticipation of a customer having purchased an item covered by <u>a coupon that could not be used prior to the expiration date</u>. (<u>Emphasis added</u>.)

[0058] Applicant contends that a coupon having "a raincheck code" is not equivalent to Applicant's claimed "*saving said...combination of non-mutually exclusive e-coupons*," since a raincheck codes is only associated with a single coupon, and fails to be associated with "*a combination...of e-coupons*" as claimed by Applicant's invention. Furthermore, nowhere does Fajkowski teach or suggest a coupon having a raincheck code associated with Applicant's claimed, "*choosing one of saved sets of e-coupons based on comparing two or more of said saved sets of e-coupons*."

[0059] The Examiner alleges that "Wilkman also recognizes the variety of incentive offers available to purchasing consumers and he teaches the use of a computer-based optimization

routine that takes the legwork out of manually analyzing the variety of eligible combinations and

benefits (price, coupons, promotions, loyalty, etc.) in order to provide the best benefit for the

consumer [abstract]."

[0060] The Examiner alleges that Marmon discloses "that shopping can get quite complicated

when pricing systems are combined with cents off coupons and retailers offer to double or triple

coupons [col 1 lines 38-42]," and that, "that the consumer is confronted with many price-

affecting choices related to coupons and that he usually is seeking low prices [col 2 lines 53-57]."

[0061] However, neither Wilkman nor Marmon teach or suggest Applicant's claimed, "*saving*

said displayed most favorable combination of non-mutually exclusive e-coupons determined to

comply with said redeeming conditions and capable of being used in combination within the

same purchase and choosing another subset of said e-coupons, *and choosing one of saved sets of*

e-coupons based on comparing two or more of said saved sets of e-coupons." Therefore,

Wilkman and Marmon fail to overcome the deficiencies of Fajkowski.

[0062] In summary, Fajkowski's raincheck code associated with a coupon record in anticipation

of a customer having purchased an item covered by a coupon that could not be used prior to the

expiration date fails to teach or suggest Applicant's claimed invention of saving a displayed most

favorable combination of non-mutually exclusive e-coupons determined to comply with

redeeming conditions and capable of being used in combination within the same purchase and

choosing another subset of e-coupons, and choosing one of saved sets of e-coupons based on

comparing two or more of the saved sets of e-coupons.

[0063] Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this

rejection since the alleged prior art references to Fajkowski and Wilkman (either alone or in

combination) fail to teach or suggest each element and feature of Applicant's claimed invention.

H.　The 35 U.S.C. § 103(a) Rejection over Fajkowski further in view of Wilkman and Beach

[0064] Claims 34, 60 and 64 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Fajkowski, further in view of Wilkman, Marmon and Beach.

[0065] The Examiner alleges that one of ordinary skill in the art would have been motivated to modify Fajkowski with the teachings from Wilkman, Marmon and Beach to form the invention of claims 34, 60 and 64. Applicant submits, however that these references would not have been combined and even if combined, the combination would not teach or suggest each element of the claimed invention.

[0066] The Examiner admits that Fajkowski, Wilkman and Marmon fail to teach or suggest a "user collection of e-coupons which are redeemable at the POS."

[0067] The Examiner alleges that Beach "teaches that coupons can be recommended to the user based on his user profile," paragraph [0131].

[0068] However, Beach fails to teach or suggest Applicant's claimed saving a displayed most favorable combination of non-mutually exclusive e-coupons determined to comply with redeeming conditions and capable of being used in combination within the same purchase and choosing another subset of e-coupons, and choosing one of saved sets of e-coupons based on comparing two or more of the saved sets of e-coupons. Therefore, Beach fails to overcome the deficiencies of Fajkowski, Wilkman and Marmon.

[0069] Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art references to Fajkowski, Wilkman, Marmon and Beach (either alone or in combination) fail to teach or suggest each element and feature of Applicant's

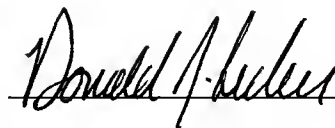claimed invention.

II.   FORMAL MATTERS AND CONCLUSION

[0070] In view of the foregoing, Applicant submits that claims 1-2, 4-5, 7,15-16, 18-19, 22-31,

33-35, 49-57, 59-62, 64, 66-67, 69-70, all of the claims presently pending in the application, are

patentably distinct over the prior art of record and are in condition for allowance. The Examiner

is respectfully requested to pass the above application to issue at the earliest possible time.

[0071] Should the Examiner find the application to be other than in condition for allowance, the

Examiner is requested to contact the undersigned at the local telephone number listed below to

discuss any other changes deemed necessary in a telephonic interview.

[0072] The Commissioner is hereby authorized to charge any deficiency in fees or to credit any

overpayment in fees to Assignee's Deposit Account No. 09-0441.

Respectfully Submitted,

Date: April 28, 2009

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